

COPY

Practitioner's Docket No. 46910-DIV2 CPA (46590)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Y. Hayashi, et al.
Application No.: 09/499,765 Group No.: 1644
Filed: February 8, 2000 Examiner: Nolan, P.
For: COMPOSITION CONTAINING α -FODRIN OR α -FODRIN FRAGMENT
PROTEIN

Mail Stop: NO FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

STATUS

2. Applicant is
[] a small entity. A statement:
[] is attached.
[] was already filed.
[X] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [x] deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-
1450.

FACSIMILE

- [] transmitted by facsimile to the Patent and
Trademark Office (703) _____

Date: August 7, 2003

Kathryn A. Grindrod
Signature

Kathryn A. Grindrod
(type or print name of person certifying)

(Amendment Transmittal--page 1 of 4)

COPY

Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|--------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 410.00 | \$ 205.00 |
| <input type="checkbox"/> | three months | \$ 930.00 | \$ 465.00 |
| <input type="checkbox"/> | four months | \$ 1,450.00 | \$ 720.00 |

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal—page 2 of 4)

COPY

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

| (Col.1) | (Col. 2) | SMALL ENTITY | | | OR | OTHER THAN A SMALL ENTITY | |
|---|---------------------------------------|------------------|----------|---------------|----|---------------------------------|---------------|
| Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Addit. Fee | | Rate | Addit. Fee |
| | | | \$9.00 | \$ | | \$18.00 | \$ |
| Independent Claims | | | \$42.00 | \$ | | \$84.00 | \$ |
| First Presentation of Multiple Dependent Claim+ | | | \$140.00 | \$ | | \$280.00 | \$ |
| | | | | | | Total Addit. Fee | \$ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indcp.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____
☐ Charge Account No. _____ the sum of \$ _____
 A duplicate of this transmittal is attached.

(Amendment Transmittal--page 3 of 4)

COPY

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 04-1105.

Date: August 7, 2003

Reg. No. 26,964

Tel. No. (617) 439-4444

Customer No. 21874



SIGNATURE OF PRACTITIONER

George W. Neuner
(type or print name of practitioner)
Attorney for Applicant

Edwards & Angell, LLP
P. O. Box 9169
P.O. Address

Boston, MA 02209

344052

(Amendment Transmittal--page 4 of 4)

COPY

Docket No. 46,910-DIV2-CPA (46590)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Y. Hayashi, et al.

SERIAL NO. 09/499,765

EXAMINER: Nolan, P.

FILED: February 8, 2000

GROUP: 1644

FOR: COMPOSITION CONTAINING α -FODRIN OR α -FODRIN FRAGMENT
PROTEIN

CERTIFICATE OF MAILING

I hereby certify that this correspondence (and all papers referred to therein) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 7, 2003.


Kathryn A. Grindrod

Mail Stop: NO FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 C.F.R. §1.116

In response to the Official Action currently outstanding with regard to the above-identified case which the Examiner has designated to be Final. Applicant's respectfully request entry of the following Amendment so as to place this application in condition of allowance or at least in better form for appeal.